

### REMARKS

Claims 1-24 are currently pending. New claims 25-26 are added through this amendment. Applicants thank the Examiner for his thorough review of the application. Applicant requests reconsideration in view of the remarks and amendments set forth herein.

### NEW CLAIMS

New Claims 25 and 26 have been added. Support for Claim 25 may be generally found on pages 14-18 of the specification as well as a review of Fig. 1. Support for Claim 26 may generally be found on Page 17. Applicant submits that the cited references disclose neither the light shielding layer being positioned under the projection nor the light shielding region electrically connecting the drain electrode to the pixel electrode. Instead, the cited references, and as will be discussed in greater detail below, fail to recite the projection being positioned over a light shielding region, the light shielding region being located over a switching element, and the light shielding region electrically connecting the drain electrode of the switching device to the pixel electrode. With respect to Claim 26, none of the cited references discloses using the light shielding region as a capacitor.

### Rejection of claims 1, 2, 4-6, 11-13, 15-17, 22, 23 and 24 under 35 U.S.C. §103

The Examiner rejects Claims 1, 2, 4-6, 11-13, 15-17, 22, 23 and 24 under 35 USC §103(a) as being unpatentable over Bruzzone et al. (U.S. Patent 6,166,797) in view of Shigeta et al. (U.S. 6,266,121). The Examiner states that Bruzzone et al. fails to disclose a light blocking layer. The Examiner states that Shigeta (specifically column 33, lines 23-32), teaches spacers that function to shield light on regions between the electrodes other than pixel regions, thereby improving contrast. Applicant respectfully traverses the rejection.

Neither Bruzzone nor Shigeta teach or show any projection located in a light shielding region. As the Examiner states, Bruzzone fails to show a projection in this region. Shigeta does not remedy this deficiency. The area between the pixels in Shigeta is NOT a light shielding region. Nowhere in Shigeta is any light shielding region mentioned. Instead, Shigeta only teaches that its spacers act as light shielding structures, and makes no mention as to whether anything else acts as a light shielding region. Accordingly, it is clear that this reference fails to teach a projection in a light shielding region.

The Claims of the present invention expressly recites placing the spacer in a light shielding region. As is clear from the discussion above, neither Shigeta nor Bruzzone teach

this element. Such failure of the references to teach all of the claim limitations cannot be merely overlooked, and the Examiner is kindly reminded that to establish a *prima facie* case of obviousness, "...the prior art reference (or references when combined) must teach or suggest all the claim limitations." [emphasis added] MPEP 2142. If the Examiner fails to establish a *prima facie* case, "the applicant is under no obligation to submit evidence of nonobviousness." *Id.* As each and every element of the claimed invention is not taught or suggested by the cited art, Applicant submits that Claims 1, 2, 4-6, 11-13, 15-17, 22, 23 and 24 are in a condition for allowance.

The Examiner mentions Kimura (U.S. Pat. No 5,777,713) in the "Response to Arguments" section in the most recent Office Action. It is unclear if or how this reference is being relied upon to support the rejection. If it is being used to support the Examiner's position, then it is the result of a new search that was not necessitated by any action on behalf of Applicant. Therefore, at minimum, the finality of the Office Action must be withdrawn. More importantly, however, is that where a reference is relied upon to support a rejection, both the grounds and statutory basis for such a rejection must be shown and described. MPEP 707.07(d). Additionally, the basis for the rejection should also be clearly explained. MPEP 707.07. This is more than merely a procedural matter, as such actions are essential for clarification of the record and prosecution history. Moreover, the burden is on the office to show where in the prior art the claim limitations are taught. *In re Yates*, 663 F.2d 1054, 1057, 211 USPQ 1149, 1151 (CCPA 1981). Accordingly, to the extent the Examiner has relied on this reference to support the rejection, it is unclear what statutory basis is being applied, how the reference is being applied, and where in the references the claimed limitations may be found. Therefore, Applicant respectfully requests withdrawal of the rejection as well as the finality of the office action.

Even assuming this reference is properly applied, it still fails to disclose the claimed invention. Specifically, Kimura fails to disclose, at minimum, a "planarizing film [having] a flat surface formed with a projection formed through said pixel electrode film." Alternatively, such a feature is expressly recited in Claim 1. Accordingly, for the foregoing reasons, Applicant submits that Claims 1 and 11 and all claims depending therefrom are in a condition for allowance.

Claim 5

In addition to the above, the above cited references fail to disclose the projection having an end surface whose area is about  $\frac{1}{2}$  of the area of said light shielding region. Again, the Examiner is kindly reminded that to establish a *prima facie* case of obviousness, "...the prior art reference (or references when combined) must teach or suggest all the claim limitations." [emphasis added] MPEP 2142. If the Examiner fails to establish a *prima facie* case, "the applicant is under no obligation to submit evidence of nonobviousness." *Id.* Therefore, Applicant requests that the rejection be withdrawn and submits that Claim 5 is in a condition for allowance.

Rejection of claims 7 and 18 under 35 U.S.C. §103

The Examiner rejected claims 7 and 18 under 35 U.S.C. §103(a) as being obvious over Wenz et al. (U.S. Patent No. 5,268,782) in further view of Shigeta et al. (U.S. 6,266,121). For the reasons set forth above, Applicant requests this rejection be withdrawn.

Rejection of claims 3, 8-10, 14 and 19-21 under 35 U.S.C. §103

The Examiner rejected claims 3, 8-10, 14 and 19-21 under 35 U.S.C. §103(a) as being obvious over Bruzzone et al. (U.S. Patent No. 6,166,797) to Wenz et al. (U.S. 5,268,782) in further view of Shigeta et al. (U.S. 6,266,121) and Katagiri et al. (U.S. 4,763,995). For the reasons set forth above, Applicant requests this rejection be withdrawn.

**CONCLUSION**

For at least these reasons, this application is now in condition for allowance. It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper.

However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

If the Examiner has any questions or comments, she is kindly urged to call the undersigned to facilitate prosecution.

Respectfully submitted,

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